

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**STIPULATION BY AND BETWEEN THE CITY OF DETROIT AND TANYA
HUGHES REGARDING CITY OF DETROIT’S MOTION FOR THE ENTRY OF AN
ORDER (I) ENFORCING THE PLAN OF ADJUSTMENT INJUNCTION AND (II)
REQUIRING THE DISMISSAL OF THE STATE COURT ACTION FILED BY TANYA
HUGHES**

The City of Detroit (“City”) and Tanya Hughes (“Hughes”) stipulate and agree as follows:

WHEREAS, on July 29, 2015, the City filed its Supplement to its Motion for the Entry of an Order (I) Enforcing the Plan of Adjustment Injunction and (II) Requiring the Dismissal of the State Court Action filed by Tanya Hughes (“Supplement”) (Docket # 10099).

WHEREAS, the City and Hughes agree that Exhibits 1, 2 and 3 (“Exhibits”) attached to the Supplement are authentic.

WHEREAS, on July 29, 2015, the Detroit Police Lieutenants and Sergeants Association informed the City that it filed proof of claim number 1878 (“Claim 1878”, and together with the Exhibits, the “Supplemental Filings”) asserting general unsecured claims on behalf of certain members, including Tanya Hughes, pursuant to the Order Approving Stipulation by and between the City of Detroit and the Public Safety Unions Regarding Proofs of Claim to be Filed by the Public Safety Unions. (Docket # 2678). The parties wish to further supplement the record by filing Claim 1878 as Exhibit A to this stipulation.

WHEREAS, consequently, the City withdraws the relief sought in paragraphs 3 and 4 of its proposed order filed at Docket Number 9970. The City reserves its right to object to Claim 1878.

NOW, THEREFORE, the City and Hughes request that the Court enter an order in substantially the same form as the one attached as Exhibit B permitting the parties to present limited oral argument on the Supplemental Filings on August 5, 2015 at 1:30 p.m., before the Court announces its bench decision.

Dated: July 31, 2015

By: <u>/s/ Marc N. Swanson</u> Jonathan S. Green (P33140) Marc N. Swanson (P71149) MILLER, CANFIELD, PADDOCK AND STONE, P.L.C. 150 West Jefferson, Suite 2500 Detroit, Michigan 48226 Telephone: (313) 496-7591 Facsimile: (313) 496-8451 green@millercanfield.com swansonm@millercanfield.com	By: <u>/s/ Jeffrey J. Ellison</u> Jeffrey J. Ellison (P35735) Attorney for Sgt. Tanya Hughes 214 S. Main Street, Suite 210 Ann Arbor, MI 48104 (734) 761-4300 (734) 528-4159 ellisonese@aol.com
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B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT of MICHIGAN		FILED FEB 20 2014 US Bankruptcy Court Mr Eastern District
Name of Debtor: City of Detroit, Michigan		Case Number: 13-53846
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Detroit Police Lieutenants and Sergeants Association ("DPLSA")		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: Julie Beth Teicher Erman, Teicher, Zucker & Freedman, P.C. 400 Galleria Officentre, Suite 444 Southfield, MI 48034 Telephone number: 248/827-4100 email: jteicher@ermanteicher.com		
Name and address where payment should be sent (if different from above): Peter P. Sudnick Peter P. Sudnick, PC 2555 Crooks Rd., Ste. 150, Troy, MI 48084 Telephone number: 248/643-8533 email: psudnick@sudnicklaw.com		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ <u>Amount of claim is presently unliquidated.</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Pending discipline matters for DPLSA members-see attached.</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: _____		3a. Debtor may have scheduled account as: _____ (See instruction #3a)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). \$ _____		
5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. § _____ \$ _____		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		
7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. The underlying documents relative to this claim are in the City's possession. If the documents are not available, please explain:		
8. Signature: (See instruction # 8) Check the appropriate box. <input type="checkbox"/> I am the creditor. <input checked="" type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>Julie Beth Teicher</u> Title: <u>Attorney and Authorized Agent</u> Company: <u>Erman, Teicher, et al</u> Address and telephone number (if different from notice address above): _____ _____ Telephone number: _____ email: _____		

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Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment

1353846140220000000000377

DPLSA PROOF OF CLAIM ATTACHMENT

Pursuant to the Order, Pursuant to Sections 105, 501 and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof [Doc. No. 1782] (the "Bar Date Order"), the DPLSA is authorized to file this Proof of Claim on behalf of its members. The DPLSA and its members are referred to hereinafter as "Claimants" or any individual as a "Claimant".

This Proof of Claim and Attachment are filed to preserve the rights of Claimants. The filing of this Proof of claim is not intended to be, and should not be construed as:

- 1) An election of remedies;
- 2) A waiver of any past, present or future defaults by the City or any third party;
- 3) A waiver of Claimants' claims against any other parties liable to Claimants;
- 4) A waiver or limitation of any rights, claims or defenses of Claimants, including, but not limited to, the right to challenge the Court's jurisdiction to hear disputes arising out of the claims set forth in this Proof of Claim or to make any motion to have such dispute resolved in a forum other than the Court;
- 5) A waiver of Claimants' rights to amend this Proof of Claim for any purpose;
- 6) A limitation on the number or type of claims filed by Claimants.

The filing of this Proof of Claim is not intended to and should not be construed to be a consent to or submission to the jurisdiction of the Court for any reason. Claimant has challenged the City's eligibility for relief under chapter 9 of the Bankruptcy Code. Claimant has appealed the Court's Opinion Regarding Eligibility dated December 5, 2013 [Doc. No. 1945] (the "Eligibility Opinion") and the Order for Relief dated December 5, 2013 [Doc. No. 1946] and moved for certification for direct appeal to the United States Court of Appeals for the Sixth Circuit pursuant to 29 U.S.C. §158(d)(2) and Fed. R. Bankr. Pro. 8001(f). The filing of this Proof of Claim is not a waiver of Claimants' continuing challenge to the eligibility of the City.

Pursuant to the Bar Date Order, individual members of the DPLSA have the right to file a Proof of Claim on their own behalf.

EXHIBIT 1 TO DPLSA PROOF OF CLAIM

DISCIPLINE CLAIMS

Attached hereto is a list of pending Discipline Claims¹ as of the Chapter 9 petition date. Claimant has made a diligent search of available information to compile the list attached hereto. Claimant reserves the right to amend this Proof of Claim in the event additional pre-petition Discipline Claims are discovered or brought to its attention. In accordance with the Claims Bar Date Order, the filing of this Proof of Claim is without prejudice to the rights of individual DPLSA members to assert claims on their own behalf.

This Claim is filed as a protective measure in the event that any of the Claimants on the list attached hereto have monetary claims against the City arising from resolution of the disciplinary action.

This Proof of Claim is filed without prejudice to Claimants' ability to resolve any of the Discipline Claims listed in the attachments in the ordinary course of the City's affairs.

Exhibit 1A—Alphabetical list of Claimants

Exhibit 1B—List of Claimants by Discipline File Number

The underlying documents in support of each particular Discipline File are in the City's possession.

¹ Discipline Claims are initiated by the City. Resolution of a disciplinary action may result in the DPLSA member having a claim against the City.

EXHIBIT 1A TO DPLSA PROOF OF CLAIM

DISCIPLINE CLAIMS

Names

Type of Disciplinary Case

Hughes, Tanya
Johnson, Donald
Jones, Victor

Dismissal
Dismissal
Dismissal

EXHIBIT 1B TO DPLSA PROOF OF CLAIM

DISCIPLINE CLAIMS

<u>Member</u>	<u>Discipline File No.</u>	<u>Type of Discharge</u>
Jones, Victor	10-0449	The Grievant was terminated for neglect of duty (failure to submit reports); insubordination (disrespect toward a lieutenant); and willful disobedience of rules or orders (disobeyed order to complete report). The Grievant was terminated in 2010. Relief: Reinstatement and back pay.
Hughes, Tanya	12-0506	The Grievant was terminated for refusal to submit to a drug screen; willful disobedience of rules or orders; Relief: Reinstatement and back pay.
Johnson, Donald	12-_____	Demotion. The Grievant was demoted from Inspector to Lieutenant. Although now a member of the LSA, he is being represented for the demotion by the Command Officers Association. He seeks reinstatement to Inspector and to be made whole for any loss of pay and benefits. Relief: monetary.

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**ORDER GRANTING STIPULATION BY AND BETWEEN THE CITY OF
DETROIT AND TANYA HUGHES REGARDING CITY OF DETROIT'S MOTION FOR
THE ENTRY OF AN ORDER (I) ENFORCING THE PLAN OF ADJUSTMENT
INJUNCTION AND (II) REQUIRING THE DISMISSAL OF THE STATE COURT
ACTION FILED BY TANYA HUGHES**

Upon the Stipulation by and between the City of Detroit and Tanya Hughes Regarding
City of Detroit's Motion for the Entry of an Order (I) Enforcing the Plan of Adjustment
Injunction and (II) Requiring the Dismissal of the State Court Action filed by Tanya Hughes; and
the Court being otherwise advised in the premises;

IT IS ORDERED THAT the City of Detroit and Tanya Hughes may present limited oral
argument on the Supplemental Filings (as defined in the Stipulation) on August 5, 2015 at 1:30
p.m., before the Court announces its bench decision.